



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Monsanto Technology LLC**

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (34 STAT. 1505, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'A2869'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this nineteenth day of September, in the year two thousand and three.

Attest:

*Mark Hermelin*  
Acting Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*William B. Gentry*  
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

<b>1. NAME OF OWNER</b> <p style="text-align: center; font-size: 1.2em;">Monsanto Technology LLC</p>		<b>2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME</b> <p style="text-align: center;">FP2969</p>	<b>3. VARIETY NAME</b> <p style="text-align: center;">A2869</p>
<b>4. ADDRESS</b> (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <p style="text-align: center;">634 E. Lincoln Way Ames, IA 50010</p>		<b>5. TELEPHONE</b> (include area code) <p style="text-align: center;">(515) 232-7170</p>	<b>FOR OFFICIAL USE ONLY</b> <div style="border: 1px solid black; padding: 5px; font-weight: bold; font-size: 1.5em;">             009700316           </div>
		<b>6. FAX</b> (include area code) <p style="text-align: center;">(515) 232-6905</p>	
<b>7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION</b> (corporation, partnership, association, etc.) <p style="text-align: center;">Limited Liability Company</p>	<b>8. IF INCORPORATED, GIVE STATE OF INCORPORATION</b>	<b>9. DATE OF INCORPORATION</b> <p style="text-align: right; font-size: 1.2em;">05/28/1997</p>	
<b>10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION.</b> (First person listed will receive all papers) <p style="text-align: center;">Donald Steffen 634 E. Lincoln Way Ames, IA 50010</p>			<b>FILING AND EXAMINATION FEES:</b> <p style="text-align: right;">\$ 2,450.00</p> <p style="text-align: right;">DATE 5/28/2003</p> <p style="text-align: right;">CERTIFICATION FEE:</p> <p style="text-align: right;">\$ 432.00</p> <p style="text-align: right;">DATE 9/12/2003</p>
<b>11. TELEPHONE</b> (Include area code) <p style="text-align: center;">(515) 956-3002</p>	<b>12. FAX</b> (Include area code) <p style="text-align: center;">(515) 232-6905</p>	<b>14. CROP KIND</b> (Common Name) <p style="text-align: center;">Soybean</p>	
<b>15. GENUS AND SPECIES NAME OF CROP</b> <p style="text-align: center;">Glycine max</p>		<b>17. IS THE VARIETY A FIRST GENERATION HYBRID?</b> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> YES</span> <span><input checked="" type="checkbox"/> NO</span> </div>	
<b>18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED</b> (Follow instructions on reverse) <div style="display: flex; flex-direction: column;"> <div><input checked="" type="checkbox"/> a. Exhibit A. Origin and Breeding History of the Variety</div> <div><input checked="" type="checkbox"/> b. Exhibit B. Statement of Distinctness</div> <div><input checked="" type="checkbox"/> c. Exhibit C. Objective Description of Variety</div> <div><input checked="" type="checkbox"/> d. Exhibit D. Additional Description of the Variety (Optional)</div> <div><input checked="" type="checkbox"/> e. Exhibit E. Statement of the Basis of the Owner's Ownership</div> <div><input checked="" type="checkbox"/> f. Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)</div> <div><input checked="" type="checkbox"/> g. Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)</div> </div>		<b>19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED?</b> See Section 83(a) of the Plant Variety Protection Act <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> YES (If "yes", answer items 20 and 21 below)</span> <span><input checked="" type="checkbox"/> NO (If "no," go to item 22)</span> </div>	
<b>22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?</b> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> YES</span> <span><input checked="" type="checkbox"/> NO</span> </div> <p>IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)</p>		<b>20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?</b> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> YES</span> <span><input type="checkbox"/> NO</span> </div> <p>IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED</p>	
		<b>21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS?</b> <div style="display: flex; justify-content: space-between;"> <span>YES</span> <span>NO</span> </div> <p>IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED</p> <p>(If additional explanation is necessary, please use the space indicated on the reverse.)</p>	
<b>23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?</b> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> YES</span> <span><input checked="" type="checkbox"/> NO</span> </div> <p>IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)</p>		<b>24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.</b> <p>The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.</p> <p>Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.</p>	
<b>NAME</b> (Please print or type) <p style="text-align: center;">Donald Steffen</p>		<b>NAME</b> (Please print or type)	
<b>CAPACITY OR TITLE</b> <p style="text-align: center;">Oilseeds IP/Reg. Affairs Manager</p>	<b>DATE</b> <p style="text-align: center;">5/15/1997</p>	<b>CAPACITY OR TITLE</b>	<b>DATE</b>

MONSANTO TECHNOLOGY LLC  
PVP APPLICATION - A2869

**EXHIBIT A**

***ORIGIN AND BREEDING HISTORY***

1991 - Final cross was made in 1997 at Ames, Iowa.

Parentage: Jack\*A2835

1991 - F1 generation was grown at Isabela, Puerto Rico and advanced using modified pedigree selection.

1992 - F2 generation was grown at Isabela, Puerto Rico and advanced using modified pedigree selection.

1992 - F3 bulk populations were grown at Ames, Iowa and single plants pulled.

1993 - F3 derived F4 plants were grown at Ames, Iowa in progeny rows and variety FP2969 was selected based on yield, early vigor, lodging, and resistance to leaf and plant diseases including, but not limited to, PRR, SDS, BSR, and stem canker.

1994 - F3:5 breeder seed was grown at Ames, Iowa for progeny row increase and in yield tests at 11 locations in Iowa.

Variety FP2969, now named A2869, was observed to be uniform and stable for the characteristics described within this application based on our observations since 1994 and, henceforth, to present. No variants were observed during this time.

Variety A2869 has continued to be grown in yield tests at 11 locations in 1995 and 37 locations in 1996 for comparison against other varieties to determine how it would be used in our marketing program.

MONSANTO TECHNOLOGY LLC  
PVP APPLICATION - A2869

**EXHIBIT B**

**NOVELTY STATEMENT**

To our knowledge, the soybean varieties that closely resemble A2869 are Jack, and A2835:

1. Hilum color

A2869	- Buff
Jack	- Imperfect Black
A2835	- Yellow

OBJECTIVE DESCRIPTION OF VARIETY  
 SOYBEAN (*Glycine max* L.)

NAME OF APPLICANT(S) <u>Monsanto Technology LLC</u> <u>Asgrow Seed Company</u> (BT: 7/14/2003)	TEMPORARY DESIGNATION -FP2969	VARIETY NAME A2869
ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code) <u>2605 East Kilgore Road</u> <u>634 E. Lincoln Way</u> <u>Kalamazoo, Michigan 49001</u> <u>Ames, Iowa 50010</u> (BT: 7/14/2003)		FOR OFFICIAL USE ONLY PVPO NUMBER <b>009700316</b>

Choose the appropriate response which characterizes the variety in the features described below. When the number of significant characters in your answer is fewer than the number of boxes provided, place a zero in the first box when number is 9 or less (e.g., 019). Started characters ★ are considered fundamental to an adequate soybean variety description. Other characters should be described when information is available.

1. SEED SHAPE:

2



1 = Spherical (L/W, L/T, and T/W ratios = < 1.2)  
 3 = Elongate (L/T ratio > 1.2; T/W = < 1.2)

2 = Spherical Flattened (L/W ratio > 1.2; L/T ratio = < 1.2)  
 4 = Elongate Flattened (L/T ratio > 1.2; T/W > 1.2)

★ 2. SEED COAT COLOR: (Mature Seed)

1

1 = Yellow 2 = Green 3 = Brown 4 = Black 5 = Other (Specify) \_\_\_\_\_

3. SEED COAT LUSTER: (Mature Hand Shelled Seed)

1

1 = Dull ('Corsoy 79'; 'Braxton') 2 = Shiny ('Neosoy'; 'Glasco 17')

★ 4. SEED SIZE: (Mature Seed)

1 6

Grams per 100 seeds

★ 5. HILUM COLOR: (Mature Seed)

1

1 = Buff 2 = Yellow 3 = Brown 4 = Gray 5 = Imperfect Black 6 = Black 7 = Other (Specify) \_\_\_\_\_

★ 6. COTYLEDON COLOR: (Mature Seed)

1

1 = Yellow 2 = Green

★ 7. SEED PROTEIN PEROXIDASE ACTIVITY:

2

1 = Low 2 = High

★ 8. SEED PROTEIN ELECTROPHORETIC BAND:

2

1 = Type A (SP1<sup>4</sup>) 2 = Type B (SP1<sup>2</sup>)

★ 9. HYPOCOTYL COLOR:

1

1 = Green only ('Evans'; 'Davis') 2 = Green with bronze band below cotyledons ('Woodworth'; 'Tracy')  
 3 = Light Purple below cotyledons ('Beeson'; 'Pickett 71')  
 4 = Dark Purple extending to unifoliate leaves ('Hodgson'; 'Coker Hamoron 265A')

★ 10. LEAFLET SHAPE:

3

1 = Linear 2 = Oval 3 = Ovate 4 = Other (Specify) \_\_\_\_\_

## 11. LEAFLET SIZE:

☐ 21 = Small ('Amsoy 71'; 'AS312')  
3 = Large ('Crawford'; 'Tracy')

2 = Medium ('Corsoy 79'; 'Gasoy 17')

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## 12. LEAF COLOR:

☐ 21 = Light Green ('Weber'; 'York')  
3 = Dark Green ('Gnome'; 'Tracy')

2 = Medium Green ('Corsoy 79'; 'Braxton')

## ★ 13. FLOWER COLOR:

☐ 1

1 = White

2 = Purple

3 = White with purple throat

## ★ 14. POD COLOR:

☐ 2

1 = Tan

2 = Brown

3 = Black

## ★ 15. PLANT PUBESCENCE COLOR:

☐ 1

1 = Gray

2 = Brown (Tawny)

## 16. PLANT TYPES:

☐ 21 = Slender ('Essex'; 'Amsoy 71')  
3 = Bushy ('Gnome'; 'Govan')

2 = Intermediate ('Amdor'; 'Braxton')

## ★ 17. PLANT HABIT:

☐ 3

1 = Determinate ('Gnome'; 'Braxton')

2 = Semi-Determinate ('Will')

3 = Indeterminate ('Nebsoy'; 'Improved Pelican')

## ★ 18. MATURITY GROUP:

☐ 0 ☐ 5

1 = 000

2 = 00

3 = 0

4 = I

5 = II

6 = III

7 = IV

8 = V

9 = VI

10 = VII

11 = VIII

12 = IX

13 = X

## ★ 19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

## BACTERIAL DISEASES:

★

☐ 0Bacterial Pustule (*Xanthomonas phaseoli* var. *sojensis*)

★

☐ 0Bacterial Blight (*Pseudomonas glycines*)

★

☐ 0Wildfire (*Pseudomonas caryoc*)

## FUNGAL DISEASES:

★

☐ 0Brown Spot (*Septoria glycines*)Frogeye Leaf Spot (*Cercospora sojina*)

★

☐ 0

Race 1

☐ 0

Race 2

☐ 0

Race 3

☐ 0

Race 4

☐ 0

Race 5

☐ 0

Other (Specify)

☐ 0Target Spot (*Corynespora cassiicola*)☐ 0Downy Mildew (*Peronospora trifoliorum* var. *manshurica*)☐ 0Powdery Mildew (*Microspora diffusa*)

★

☐ 1Brown Stem Rot (*Cephalosporium gregetum*)☐ 0Stem Canker (*Diaporthe phaseolorum* var. *sojivora*)

19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant) (Continued)

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FUNGAL DISEASES: (Continued)

- ★ ☐ 0 Pod and Stem Blight (*Diaporthe phaseolorum* var. *sojae*)
- ☐ 0 Purple Seed Stain (*Cercospora kikuchii*)
- ☐ 0 Rhizoctonia Root Rot (*Rhizoctonia solani*)
- Phytophthora Rot (*Phytophthora megasperma* var. *sojae*)
- ★ ☐ 1 Race 1 ☐ 0 Race 2 ☐ 1 Race 3 ☐ 1 Race 4 ☐ 0 Race 5 ☐ 0 Race 6 ☐ 0 Race 7
- ☐ 0 Race 8 ☐ 0 Race 9 ☐ 0 Other (Specify) \_\_\_\_\_

VIRAL DISEASES:

- ☐ 0 Bud Blight (Tobacco Ringspot Virus)
- ☐ 0 Yellow Mosaic (Bean Yellow Mosaic Virus)
- ★ ☐ 0 Cowpea Mosaic (Cowpea Chlorotic Virus)
- ☐ 0 Pod Mottle (Bean Pod Mottle Virus)
- ★ ☐ 0 Seed Mottle (Soybean Mosaic Virus)

NEMATODE DISEASES:

- Soybean Cyst Nematode (*Heterodera glycines*)
- ★ ☐ 1 Race 1 ☐ 1 Race 2 ☐ 2 Race 3 ☐ 0 Race 4 ☐ 2 Other (Specify) Race 14
- ☐ 0 Lance Nematode (*Hoplolaimus Colonus*)
- ★ ☐ 0 Southern Root Knot Nematode (*Meloidogyne incognita*)
- ★ ☐ 0 Northern Root Knot Nematode (*Meloidogyne hapla*)
- ☐ 0 Peanut Root Knot Nematode (*Meloidogyne arenaria*)
- ☐ 0 Reniform Nematode (*Rotylenchulus reniformis*)
- ☐ 1 OTHER DISEASE NOT ON FORM (Specify): Sudden Death Syndrome

20. PHYSIOLOGICAL RESPONSES: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- ★ ☐ 1 Iron Chlorosis on Calcareous Soil
- ☐ 0 Other (Specify) \_\_\_\_\_

21. INSECT REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- ☐ 0 Mexican Bean Beetle (*Epilachna varvestris*)
- ☐ 0 Potato Leaf Hopper (*Empoasca fabae*)
- ☐ 0 Other (Specify) \_\_\_\_\_

22. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED.

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant Shape	Jack	Seed Coat Luster	A2835
Leaf Shape		Seed Size	A3237
Leaf Color		Seed Shape	A2835
Leaf Size		Seedling Pigmentation	

## 22. GIVE DATA FOR SUBMITTED AND SIMILAR STANDARD VARIETY: Paired Comparison Data

009700316

VARIETY	NO. OF DAYS MATURITY	PLANT LODGING SCORE	CM PLANT HEIGHT	LEAFLET SIZE		SEED CONTENT		SEED SIZE G/100 SEEDS	NO. SEEDS/ 700
				CM Width	CM Length	% Protein	% Oil		
A2869 Submitted	132	2.4	88					16	
A2833 Name of Similar Variety	132	1.2	76					14	

## PUBLICATIONS USEFUL AS REFERENCE AIDS FOR COMPLETING THIS FORM:

1. Caldwell, B.E., ed. 1973. Soybeans: Improvement, Production, and Uses. Amer. Soc. Agron. Monograph No. 16.
2. Buttery, B.R. and R.I. Buzzell. 1968. Peroxidase activity in seeds of soybean varieties. Crop Sci., 3: 722-725.
3. Hymowitz, T. 1973. Electrophoretic analysis of SBTI-A<sub>2</sub> in the USDA soybean germplasm collection. Crop Sci., 13: 420-421.
4. Payne, R.C. and L.F. Morris. 1976. Differentiation of soybean cultivars by seedling pigmentation patterns. J. Seed Technol. 1: 1-19.

MONSANTO TECHNOLOGY LLC  
PVP APPLICATION - A2869

**EXHIBIT D**

***ADDITIONAL DESCRIPTION OF INVENTION***

A2869 is a late maturity group II variety with resistance to Race 3 and moderate resistance to Race 14 of Soybean Cyst Nematode (SCN). It has very high yield potential. It has a well-branched canopy, making it well adapted to wide rows. It is very broadly adapted but should do very well on lighter soils and on SCN infested soils. Although it has no major gene for Phytophthora resistance, it appears to have good levels of field tolerance. It also has demonstrated better than average tolerance to iron deficiency chlorosis and average brown stem rot tolerance

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

### EXHIBIT E

### STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S)  Monsanto Technology LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER FP2969	3. VARIETY NAME  A2869
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 634 E. Lincoln Way Ames, IA 50010	5. TELEPHONE (Include area code) (515) 232-7170	6. FAX (Include area code) (515) 232-6905
7. PVPO NUMBER  009700316		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. National or a U.S. based company? If no, give name of country.

☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (If needed, use the reverse for extra space):

#### PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 6 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14<sup>th</sup> and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.